

BID OPENING

CITY OF SAN JOSE

OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk

City Clerk

2010 APR 29 P 2:43

Time Stamp

TOTAL BASE BID 530,000

ALT NO. 1 5,700

ALT NO. 2 60,000

ALT NO. 3 70,000

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, April 29, 2010

Project Manager: Gabrielle Wilder ~ 793.4148

LOBUE PARK RENOVATION PROJECT

BIDDER'S NAME: STAR Construction Inc.

Bond ☒ Cashier's Check _____

Addendums Included () 1

YES ☒ NO _____

Non-Collusion Affidavit

YES ☒ NO _____

LOBUE PARK RENOVATION PROJECT

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, ~~April 22, 2010.~~ *April 29, 2010* ADD #1

Bidder: _____

STAR Construction, Inc.

PROPOSAL TO CITY OF SAN JOSE
FOR
LOBUE PARK RENOVATION PROJECT

Name of Bidder:

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on March 30, 2010, entitled LOBUE PARK RENOVATION PROJECT and the Specifications approved by the Director of Public Works on March 30, 2010, entitled LOBUE PARK RENOVATION PROJECT on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

LOBUE PARK RENOVATION PROJECT

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: LOBUE PARK RENOVATION PROJECT

Cheryl A. Virgen, being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

✓ Executed on April 28, 2010

Star Construction, Inc.
Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 3465644020
Expiration Date: April 15, 2012
State Contractor Lic. No.: 748242
Classification: A
Expiration Date: 4/30/2012
Federal I. D. No.: 94-3351981
Address: 240 ALLEN DR
SAN BRUNO, CA 94066
Telephone: 650 7380485

✓ By: [Signature]
Title: General Manager

NOTARY

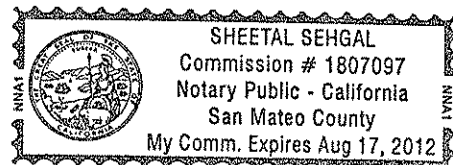
On April 28, 2010 before me, SHEETAL SEHGAL, Notary Public personally appeared
(name and title of officer)
Cheryl A. Virgen who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sheetal Sehgal
Notary Public

(Seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, STAR CONSTRUCTION, INC. as PRINCIPAL,
and MERCHANTS BONDING COMPANY, a corporation duly organized under the
laws of the State of IOWA and duly licensed to become sole surety on bonds
required or authorized by the State of California, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the
City of San Jose, for the work described below; for the payment of which sum in lawful money of
the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by these presents. In no case shall the liability of the
Surety hereunder exceed the sum of TEN PERCENT OF THE AMOUNT BID DOLLARS (\$
10%).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for
certain construction specifically described as follows, for which bids are to be opened in the Office
of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA
95113, on April 22, 2010 for **LOBUE PARK RENOVATION PROJECT**.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time
and manner required under the specifications, after the prescribed forms are presented to Principal
for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and
files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance
policies with the City, all as required by the specifications and the contract or by law, then the
obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety
and its bond shall be in no way impaired or affected by any extension of the time within which the
Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the
Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to
be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 21ST
day of APRIL, 2010.

PRINCIPAL

SURETY

STAR CONSTRUCTION, INC.

Legal Company Name

MERCHANTS BONDING COMPANY

Legal Company Name

Indicate Type of Entity

By [Signature]
Title: President

By [Signature]
Title: Sec. Treas.

By [Signature]
Title: SANDRA RENEE BLACK
ATTORNEY-IN-FACT

By
Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Sacramento }

On 4/21/2010 before me, Erin Russell, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Sandra Renee Black
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Erin Russell
Signature of Notary Public Erin Russell

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Sandra Renee Black

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

Signer Is Representing:
Merchants Bonding Company

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

Signer Is Representing:

Merchants Bonding Company

(Mutual)

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Sharon Jean Rusconi, Sandra Renee Black

of Sacramento and State of California its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

TEN MILLION (\$10,000,000.00) DOLLARS

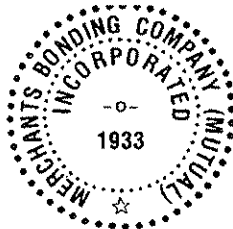
and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 2nd day of February, 2009.



MERCHANTS BONDING COMPANY (MUTUAL)

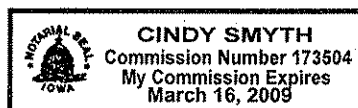
By

Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 2nd day of February, 2009, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



Cindy Smyth

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 21 day of April, 2010.



William Warner Jr.
Secretary

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
AAA Fence	San Jose, CA	# A-2 Unpermitted Fence
San Jose Electric	San Jose, CA	# 6 - A-1

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

GREENMAN FELIZ	City of OAKLAND	\$ 2,200,000.00
GARY PILECKI	510-238-7284	(2008)
ADORE PARK	HAYWARD AND RECREATION DISTRICT	\$1,200,000-
LARRY L. POPE	510-455-1261	(2009)
NEW MEADOWVIEW PARK	(2009)	\$700,000-
COUNTY OF SAN MATEO		
NOEL MANUEL	650-599-1444	
VILLAGE TOWN PLAZA	CITY OF FREMONT	\$1,600,000-
TERE S. RICHIE	510-444-4721	(2009-2010)

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

AGENCY/ENTITY

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

Alborn Park - SAN JOSE - Pat Magill

Welch Park - San Jose -

EDUARDOS BRANCO LIZARRAZ - SAN JOSE - SUB CONTRACTOR

*Department of Public Works*

CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

April 20, 2010

**ADDENDUM NO. 1
TO
THE PLANS AND SPECIFICATIONS
FOR LOBUE PARK RENOVATION PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of,
and incorporated into the Plans and Specifications for the
LOBUE PARK RENOVATION PROJECT.

PROJECT SPECIFICATIONS**NOTICE TO CONTRACTORS, FILING OF BIDS:**

1. **DELETE** the time and date to file proposals of 3:00 pm Thursday, April 22, 2010.
2. **REPLACE** with the time and date to file proposals of 3:00 pm Thursday, April 29, 2010.

**INFORMATION TO BIDDERS,
BID DOCUMENTS, and
BIDDER'S BOND:**

1. **DELETE** the Bid Opening Date of April 22, 2010.
2. **REPLACE** with the Bid Opening Date of April 29, 2010.

PROJECT CONSTRUCTION PLANS**SHEET 10 CONSTRUCTION DETAILS,
DETAIL G BOOSTER PUMP AND WATER TANK ENCLOSURE DETAIL:**

1. **REVISE** dimensions as per attached.

IMPORTANT**INSTRUCTIONS TO BIDDERS:**

This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

Bidder's Name

Signature and Title of Bidder

Date

Attachment

Approved By:

KATY ALLEN

Director

Department of Public Works



www.peninsuladigital.com

Toll free# (800) 834-7768

CASH CUSTOMER - MOUNTAIN VIEW
SAME DAY SERVICE
CASH VISA CHK
Mountain View, CA 94043

I N V O I C E

04/20/10 186607

STAR CONSTRUCTION
240 ALLEN DRIVE
ATTN: CHERI
SAN BRUNO, CA 94066

999999 04/20/10 CHERI VERGEN

CITY OF SAN JOSE

WILL CALL

CASH ONLY

000 057

P.O.: CITY OF SAN JOSE Job: *LOBUE PARK

1	1	1601.477 LOBUE PARK	EA	27.82
1	1	1900.477 LOBUE PARK	EA	33.09
1	1	6159.01 BID ADMIN PLANHOLDER REGISTRATION	EA	30.00

* CSH *

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	90.91
Tax:	8.41
Freight:	0.00
Total:	99.32